

### **REMARKS/ARGUMENTS:**

Claims remain 1-41 remain in the application. Claims 1-41 have been rejected.

#### ***Rejections under Obviousness-type Double Patenting***

Applicant will file a terminal disclaimer in the event that Examiner upholds the non-obviousness-type double patenting for the claims as amended and indicates that the claims as amended are allowable.

#### ***Rejections under 35 USC 103***

Claims 1, 5-8, 12, 14-15, 26, 37 and 39-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sarbin et al. (US Patent 5,179,517; hereinafter Sarbin) in view of Leen. Figures are described with reference characters where necessary for clarity.

Regarding claims 5-8, 12, 14, 37 and 39-40, the claims are rejected for the reasons described above and the reasons described in the Non-final Office Action dated 6/28/2007.

Claims 16-25 and 27-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sarbin in view of Leen, and further in view of Saunders et al. (US Patent 6,340,331; hereinafter Saunders).

Claims 13 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sarbin in view of Leen, and further in view of Mish (US Patent 6,254,006).

Claim 41 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bergeron (US Patent 4,764,666) in view of Leen.

#### **Office Communication** recites,

However, Sarbin does not substantially teach that the operation of the specific gaming application on a gaming machine is effected when the application is available

for play on the gaming machine, that the indicia of credit is applicable only to the specific gaming application, that there is a specific player to which application of the gaming application and application of the indicia of credit is limited and that there is information used to identify the specific gaming application as claimed. Therefore, attention is directed to Leen, which teaches

1) there is indicia of credit that is applicable only to the specific gaming application (column 5, lines 4-9 and column 11, lines 21-32, Leen; a wager is indicia of credit that is associated with a gaming application and used for execution thereof),

**Leen** Col: 5:4-9, recites,

A gaming application **114** comprises any suitable game that may be played by one or more users of system **10**. Examples of gaming applications **114** include sports games, board games, arcade games, strategy games, adventure games, casino games, card games, dice games, and any other suitable games that may be played using system **10**.

**Leen** Col: 11:21-32 recites,

tion **156**, or according to any other suitable criteria. If one or more targets accept the wager offer, then wager manager **140** creates a corresponding number of wager records **158**. Each wager record **158** defines the terms and conditions of the wager in various wager parameters, including the wager event, the wager value, and various wager conditions, and is stored by memory **150**. The wager event is the subject matter of the wager, and generally involves a game event **120** associated with a gaming application **114**. For example, the wager event may comprise an action performed during the execution of a gaming application **114** that changes the state of the gaming application **114**. The outcome of a particular wager may be determined, at least in part, based upon the occurrence or non-occurrence of an associated wager event.

The claims describe, “1) indicia of credit applicable only to the specific gaming application.” A wager is not an indicia of credit as described in the Office Communication. An

amount of an indicia of credit is used to make a wager as is well known. As an example, Col: 7:56-63 of **US patent 6,969,319** (parent application) recites,

FIG. 3 is a flowchart illustrating redemption of game-specific credits according to a specific embodiment of the present invention. In this exemplary embodiment, the player has been provided with a promotional card having a magnetic strip which encodes information including some indicia of credit, e.g., \$5, and identifying a specific game for which the credit may be redeemed. Such a card might be and Col: 8:14-27, 60

If, on the other hand, the encoded information on the card identifies one or more gaming applications associated with the gaming machine and there is unused credit (304), the amount of credit indicated on the card is read (308) and operation of the designated gaming application in a manner which corresponds to the credit value is enabled (310). In embodiments where multiple games are associated with the gaming machine, operation of the gaming machine may be restricted only to those gaming application identified by the promotional card. In addition, the credit value associated with the card may be restricted to being used to effect play of the intended game. That is, it will not typically be redeemable for cash.

There are no indications in the teachings of Leen cited in the Office Communication that the gaming machine may be restricted only to those gaming applications identified by the promotional card. The teachings cited by the Office Communications in regards to Leen only indicate that after a wager is made a wager record is maintained. This is not a restriction on the use of the indicia of credit. Thus, Leen can't be said to teach or suggest, a "promotional device having associated therewith 1) indicia of credit applicable only to the specific gaming application."

**Office Communication** recites,

2) there is a specific player to which operation of the specific gaming application and application of the indicia of credit is limited (column 5, lines 4-9 and column 12, lines 23-32 and lines 43-50, Leen) and  
**Leen** Col. 12:23-32 recites,

with a particular record of event information **152**. User identifier **204** comprises information identifying a particular user of a client **102** associated with a particular record of event information **152**. Event type **206** identifies the type of game event **120** associated with a particular record of event information **152**. Event value **208** comprises information quantifying the game event **120** associated with a particular record of event information **152**. Event time **210** comprises information describing the time at which the particular game event **120** occurs.

**Leen** Col. 12:43-50 recites, information **154** is associated. Statistics information **154** may be maintained according to particular users playing particular gaming applications **114**. Therefore, user identifier **254** comprises information identifying a particular user of a client **102** associated with the particular record of statistics information **154**. Statistics manager **132** may maintain statistics information **154** of varying statistic types **256** according to the type of gaming application **114**. Therefore,

Leen is describing accounting procedures for after a game event occurs. Leen doesn't teach or suggest any restrictions regarding a particular player using a promotional device. What Leen teaches above is that records are kept of the game play that is generated including records associated with particular individuals. Thus, Leen can't be said to teach or suggest "the promotional device having associated therewith" "a specific player to which operation of the specific gaming application and application of the indicia of credit is limited."

None of teachings recited in Luciano, Saunders, Mish or Bergeron cited by the Examiner overcome the deficiencies in Sarbin described above. In particular, the references alone or in combination don't teach or suggest a gaming machine that accepts a promotional device or a method of using a promotional device where the promotional device effects operation of a specific gaming application on a gaming machine, when the specific gaming application is available for play on the gaming machine, that is in communication with the promotional device, the promotional device having associated therewith 1) indicia of credit applicable only to the specific gaming application, 2) a specific player to which operation of the specific gaming application and application of the indicia of credit is limited and 3) information used to identify the specific gaming application. Therefore, for at least these reasons, Sarbin alone or in combination with Leen, Luciano, Saunders, Mish, or Bergeron can't be said to render obvious the pending claims and the rejection is believed overcome thereby.

Applicant believes that all pending claims are allowable and respectfully requests a Notice of Allowance for this application from the Examiner. Should the Examiner believe that a telephone conference would expedite the prosecution of this application, the undersigned can be reached at the telephone number set out below.

Respectfully submitted,  
Weaver Austin Villeneuve & Sampson LLP

/David P. Olynick/  
David P. Olynick  
Reg. No.: 48,615

Weaver Austin Villeneuve & Sampson LLP  
P.O. Box 70250  
Oakland, CA 94612-0250  
(510) 663-1100